

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

SNOHOMISH COUNTY PUBLIC
WORKS,

Applicant,

Seeking Approval to Install Signals at a
Railroad-Highway Grade Crossing

DOCKET TR-170060

ORDER 01

ORDER GRANTING PETITION TO
INSTALL HIGHWAY-RAIL GRADE
CROSSING ACTIVE WARNING
DEVICES AT 48TH AVENUE NW AND
AUTHORIZING EXPENDITURE FROM
THE GRADE CROSSING PROTECTIVE
FUND

USDOT #084683A

BACKGROUND

- 1 On July 15, 2015, the Washington Utilities and Transportation Commission (Commission) sent to various interested parties a “Notice of Opportunity to Apply for Grant Monies” from the Grade Crossing Protective Fund (GCPF).
- 2 On January 27, 2017, Snohomish County Public Works (County or the Applicant) filed with the Commission a petition requesting a disbursement of \$262,693 from the GCPF to pay for a project related to installing active warning devices at the 48th Avenue NW railroad crossing, identified as USDOT 084683A, in Snohomish county.
- 3 In the 2014 Marine and Rail Oil Transportation Study, Commission Staff identified the 48th Avenue NW crossing as an under-protected crossing along an oil route, based on identified risk factors and existing levels of protection at the crossing. Commission Staff conducted an on-site safety diagnostic review of the crossing with representatives from the BNSF Railway Company (BNSF) and the County. As a team, the participants agreed on a future course of action to improve safety. This project addresses the safety improvements at the crossing.
- 4 BNSF consented to entry of an order by the Commission without further notice or hearing.
- 5 48th Avenue NW is a two-lane road with a posted speed limit of 35 miles per hour. The average annual daily traffic over the crossing is 156 vehicles. 48th Avenue NW is neither part of an established school bus route nor an established truck route. Both approach grades to the crossing are over five percent, which limits sight distance down the tracks

and makes it difficult for some vehicles (e.g., large trucks and vehicles towing trailers) to stop, restart, and quickly clear the crossing, and may cause some vehicles to high-center and get stuck on the tracks. The County estimates that it will cost \$753,000 to reduce the grade on both roadway approaches to the crossing, which is not economically feasible for the County at this time.

6 Current railroad warning devices at the 48th Avenue NW crossing consist of stop signs, crossbucks and advance warning signs. BNSF operates up to 20 freight trains per day at 60 miles per hour over this single mainline track crossing. Less than one passenger train per day operates over the crossing at 79 miles per hour.

7 As part of the project, the County proposes to install active warning devices, including shoulder-mounted LED flashing lights and gates, and a bungalow which will house batteries, chargers, an event recorder, and a constant warning train detection system.

8 The County seeks \$262,693 to pay for the cost of installing the active warning devices. There currently are funds available to pay for the project. The total estimated cost of the project is \$262,693. The Applicant is responsible for all additional costs over the grant amount.

FINDINGS AND CONCLUSIONS

1. (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington, and authority to approve and administer disbursements from the Grade Crossing Protective Fund. RCW 81.53; RCW 81.53.271; RCW 81.53.281.
2. (2) The grade crossing at 48th Avenue NW, identified as USDOT 084683A, is a public railroad-highway grade crossing within the state of Washington.
3. (3) RCW 81.53.261 requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington. *See also* WAC 480-62-150.
4. (4) The project for which the County seeks disbursement from the Grade Crossing Protective Fund is eligible for funding consideration under Commission rules and complies with the requirements of RCW 81.53.271, RCW 81.53.281, and WAC 480-62.

5. (5) RCW 81.53.281 allows the Commission to disburse funds from the Grade Crossing Protective Fund to pay for rail safety projects, including the installation of grade crossing protective devices.
6. (6) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
7. (7) After reviewing the County's petition filed on January 27, 2017, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition and request for disbursement of funds.

O R D E R

THE COMMISSION ORDERS:

8. Snohomish County Public Works' petition to install active warning devices at a railroad-highway grade crossing, located at 48th Avenue NW, is granted. The cost of installing active warning devices shall be paid from the Grade Crossing Protective Fund. Approval of the petition is subject to the following conditions:
 - (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$262,693.
 - (2) Payment will be made upon presentation of claim for reimbursement for materials and labor, and verification by Commission Staff that the work has been satisfactorily completed.
 - (3) The County must sign and return the attached project agreement.
 - (4) The project must be completed no later than December 31, 2017.
 - (5) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
 - (6) The County must notify the Commission on completion of the upgrades authorized in this Order. Acceptance of the upgrades is subject to inspection by Commission Staff, and verification that the

crossing is in full compliance with applicable laws, regulations, and the conditions specified in this Order.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-151775. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective March 8, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



STEVEN V. KING, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet website for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).